

## EXHIBIT E

New Jersey State Constitution of 1776

[original]

*The Commercial Congress, at New  
York, at Washington, July 2, 1776.*

## *Constitution of New Jersey.*

Whereas all the constitutional Authority ever possessed by the King of Great Britain over these Colonies, or their other Territories, was, by Compact, derived from the People, and held of them for the common Interest of the whole Society. Allegiance and Protection are, in the Nature of Things, reciprocal Ties, each equally depending upon the other, and liable to be dissolved by the other's being refused or withdrawn. And whereas George the third, King of Great Britain, has refused Protection to the good People of these Colonies; and, by assenting to sundry Acts of the British Parliament, attempted to subject them to the absolute Dominion of that Body; and has also made War upon them in the most cruel and unnatural Manner, for no other Cause than effecting their just Rights, all civil Authority under him is necessarily at an End, and a Dissolution of Government in each Colony has consequently taken Place.

And whereas in the present deplorable Situation of these Colonies, respect to the Want of a civil & violent People, a new Form of Government is absolutely necessary, not only for the Preservation of good Order, but also the more effectually to unite the People, and enable them to assert their whole Force in their own necessary Defence; and as the Honourable the Continental Congress, the Supreme Council of the American Colonies, have advised such of the Colonies, as have not yet gone into the



I hereby certify that the foregoing is a true copy of the original record on file in the New Jersey State Archives, Department of State.

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*The Provincial Congress of the  
State of New Jersey, July 2<sup>d</sup> 1776*

## *Constitution of New Jersey.*

Whereas all the constitutional Authority, ever possessed by the King of Great Britain over these Colonies, or their other Possessions, was, by Compact, derived from the People, and held of them for the common Interest of the whole Society, Allegiance and Protection are, in the Nature of Things, reciprocal Ties, each equally depending upon the other, and liable to be dissolved by the other's being refused or withdrawn. And whereas George the Third, King of Great Britain, has refused Protection to the good People of these Colonies; and, by assenting to sundry Acts of the British Parliament, attempted to subject them to the absolute Dominion of that Body; and has also made War upon them in the most cruel and unnatural Manner, for no other Cause than asserting their just Rights, all civil Authority under him is necessarily at an End, and a Dissolution of Government in each Colony has consequently taken Place.

And whereas in the present deplorable Situation of these Colonies, exposed to the Fury of a cruel and enterprising Enemy, some Form of Government is absolutely necessary, not only for the Preservation of good Order, but also the more effectually to unite the People, and enable them to assert their whole Force in their own necessary Defence; and as the Honourable the Continental Congress, the Supreme Council of the American Colonies, has advised such of the Colonies, as have not yet gone into the



2. Measure, to adopt for themselves respectively such Government, as shall best conduce to their own Happiness, Liberty, and the best - Being of America in general; We the Representatives of the Colony of New Jersey, having been elected by all the County in the most Manner, and in largest assembled, have, after mature Deliberation, agreed upon a Set of Charter Rights, and the Form of a Constitution in Manner following, viz.

1. That the Government of this Province shall be vested in a Governor, Legislative Council, and General Assembly.

2. That the first Election for Members of the Council & Assembly shall be held, in March next, and the Council shall be chosen, in the same Manner, as the Council of the Province of New Jersey, and that the first Council & Assembly of this Colony shall continue for six years.

3. That the said Legislative Council and Assembly shall be chosen, for the first Time, on the second Tuesday of August next; the Members whereof shall be the same in Number & Qualifications as is herein after mentioned, and shall be and remain vested with all the Power and Authority to be held by any future Legislative Council & Assembly of this Colony, until the second Tuesday in October, which will be in the Year of our Lord, one thousand, seven hundred, and seventy seven.

135 [3. That on the said second Tuesday in October yearly Every Year, for ever, ~~with the Privilege of returning from Day to Day in Cases~~ ~~the Council shall annually choose one Person to be~~ ~~may remain,~~ the Council shall annually choose one Person to be a Member of the Legislative Council of this Colony, who shall be of the age of twenty one years, and shall be a Freeholder in the County in which he is chosen, and worth at least one thousand Pounds Proclamation Money



3. Of real and personal Estate within the same County: that, at the same Time, each County shall <sup>also</sup> choose three Members of Assembly; provided, that no Person shall be entitled to a Seat in the said Assembly, unless he be and have been for one whole Year next before the Election, an Inhabitant of the County he is to represent, and worth five hundred Pounds Proclamations Money in real or personal Estate in the same County: that, on the second Tuesday next after the Day of Election, the Council of Assembly shall separately meet; and that the Consent of both Houses shall be necessary to every Law, provided, that seven shall be a Quorum of the Council for doing Business; and that no Law shall pass, unless there be a Majority of all the Representatives of each Body personally present and agreeing thereto. Provided always, That if a Majority of the Representatives of their Counties in Council & General Assembly convened shall, at any Time or Times hereafter, judge it equitable & proper to add to or diminish the Number or Proportion of the Members of the Assembly for any County or Counties in this Colony, then in such Case the same may, on the Principles of more equal Representation, be lawfully done, any Thing in this Charter to the contrary notwithstanding; so that the whole Number of Representatives in Assembly shall not at any Time be less than thirty nine.

4. That all Inhabitants of this Colony of full Age, who are worth fifty Pounds Proclamations Money clear Estate in the same, & have resided within the County in which they claim a Vote for twelve Months immediately preceding the Election, shall be entitled to vote for Representatives in Council & Assembly; and also for all other publick Officers that shall be elected by the People of the County at Large.



4. 5<sup>th</sup> That the Assembly, when met, shall have Power to choose a Speaker, and other their Officers; to be Judges of the Qualifications of Electors of their own Members; sit upon their own Adjournments, prepare Bills to be passed into Laws, and to empower their Speaker to convene them, whenever any extraordinary Occurrence shall render it necessary—

6<sup>th</sup> That the Council shall also have Power to prepare Bills to pass into Laws, if have other like Powers as the Assembly, and in all Respects be a free & independent Branch of the Legislature of this Colony; save only that they shall not prepare or alter any Money Bill, which shall be the Privilege of the Assembly; that the Council shall from Time to Time be convened by the Governor or Vice President, but must be convened at all Times when the Assembly sits, for which Purpose the Speaker of the House of Assembly shall always immediately after an Adjournment give Notice to the Governor or Vice President of the Time & Place to which the House is adjourned—

7. That the Council & Assembly jointly at their first Meeting, after each annual Election, shall, by a Majority of Votes, elect some fit Person within the Colony to be a Governor for one Year, who shall be constant President of the Council, and have a casting Vote in their Proceedings; and that the Council themselves shall choose a Vice President, who shall act as such in the Absence of the Governor—

8. That the Governor, or, in his Absence, the Vice President of the Council shall have the supreme executive Power, be Chancellor of the Colony, and act as Captain-General, of Commander in Chief of the Militia, & other military Force in this Colony; and that any three or more of the Council



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shall at all times be a privy Council to advise the Governor in all Cases, where he may find it necessary to consult them; of that the Governor be Ordinary or Surrogate-General.

9. That the Governor & Council (from whence shall be a Quorum) be the Court of Appeals in the last Resort in all Cases of Law as heretofore; and that they possess the Power of granting Pardons to Criminals after Condemnation in all Cases of Treason, Felony, or other Offences.

10. That Captains, of all other inferior Officers of the Militia shall be chosen by the Companies in the respective Counties; but Field & General Officers by the Council & Assembly.

11. That the Council & Assembly shall have Power to make the Great Seal of this Colony, which shall be kept by the Governor, or, in his Absence, by the Vice-President of the Council, to be used by them as Occasion may require; and it shall be called the Great Seal of the Colony of New Jersey.

12. That the Judges of the Supreme Court shall continue in Office for seven Years, the Judges of the Inferior Court of Common Pleas in the several Counties, Justices of the Peace, Clerks of the Supreme Court, Clerks of the Inferior Courts of Common Pleas, of Quarter Sessions, the Attorney-General, & Provincial Secretary shall continue in Office for five Years, and the Provincial Treasurer shall continue in Office for one Year; and that they shall be severally appointed by the Council & Assembly in Manner aforesaid, & commissioned by the Governor, or, in his Absence, by the Vice-President of the Council: provided always, That the said Officers severally shall be capable of being re-appointed at the End of the term severally before limited; and that any of the said Officers shall be liable to be



6. dismissed, when adjudged guilty of Misbehaviour by the Council on an Impeachment of the Assembly.

13. That the Inhabitants of each County qualified to vote as aforesaid shall, at the Time & Place of electing their Representatives, annually elect one Sheriff, and one or more Jurors, and that they may re-elect the same Person to such Office, until he shall have served three Years, but no longer; after which three Years shall elapse, before the same Person is capable of being elected again. When the Election is certified to the Governor or Vice President, under the Hands of six Freeholders of the County, for which they were elected, they shall be immediately commissioned to serve in their respective Offices.

14. That the Townships, at their annual Town Meetings for electing other Officers, shall choose Constables for the Districts respectively; and also three or more judicious Freeholders of good Character to hear & finally determine all Appeals relative to unjust Assessments in Cases of publick Taxation; which Commissioners of Appeal shall, for that Purpose, sit at some suitable Time or Times to be by them appointed, & made known to the People by Advertisements.

15. That the Laws of this Colony shall begin in the following Manner. Be it enacted by the Council of General Assembly of this Colony, if it is hereby enacted by the Authority of the same: and all Commissions, granted by the Governor or Vice President, shall run thus, "The Colony of New Jersey to A. B. C. Greeting: [and that all Writs shall likewise run in the Name of the Colony;] and that all Indictments shall conclude in the



7. Following Manner, viz. against the Peace of this Colony, the Government,  
and Dignity of the same.

16. That all Criminals shall be admitted to the same Privilege of  
 Writs of Counsel, as their Prosecutors and shall be entitled to.

17. That the Estates of such Persons, as shall destroy their own  
 Lives, shall not, for that Offence, be forfeited; but shall descend  
 in the same Manner as they would have done had such  
 Persons died in a natural way; nor shall any Article, which  
 may occasion accidentally the Death of any one, be henceforth  
 deemed a Treason, or in any wise forfeited on Account of such  
 Misfortune.

18. That no Person shall ever within this Colony be deprived of the  
 inestimable Privilege of worshipping Almighty God in a Manner  
 agreeable to the Dictates of his own Conscience; nor under any  
 Pretence whatsoever compelled to attend any Place of Worship,  
 contrary to his own Faith and Judgment; nor shall any Person  
 within this Colony ever be obliged to pay Tithes, Taxes, or any  
 other Rates, for the Purpose of building, or repairing any  
~~the~~ Church or Churches, Place or Place of Worship, or for the  
 Maintenance of any Minister or Ministry, contrary to what  
 he believes to be right, or has deliberately or voluntarily  
 engaged himself to perform. —

19. That there shall be no Establishment of any one  
 religious Sect in this Province in Preference to another;  
 and that no Protestant Settlement of this Colony shall be  
 denied the Enjoyment of any civil Right merely on Account  
 of his religious Principles; but that all Persons, professing a  
 Belief in the Faith of any Protestant Sect, who shall demean  
 themselves peaceably under the Government as hereby  
 established, shall be capable of being elected into any Office



8. of Profit, or Trust, or being a Member of either Branch of the Legislature, shall fully & freely enjoy every Privilege & Immunity enjoyed by other their Fellow-subjects.

20. That the Legislative Department of this Colony may, as much as possible, be preserved from all Suspicion of Corruption, none of the Judges of the Supreme <sup>or other</sup> Courts, Sheriffs, or any other Person or Persons possessed of any Post of Profit under the Government, other than Justices of the Peace, shall be entitled to a Seat in Assembly; but that, on his being elected & taking his Seat, his Office or Post shall be considered as vacant.

21. That all the Laws of this Province, contained in the Edition lately published by M. Munnings, shall be and remain in full Force, until altered by the Legislature of this Colony, (such only excepted as are incompatible with this Charter) and shall be, according as heretofore, regarded in all Respects by all civil Officers, of whom, the good People of this Province.

22. That the Common Law of England, as well as so much of the Statute Law, as have been heretofore practised in this Colony, shall still remain in Force, until they shall be altered by a future Law of the Legislature, such Part only excepted as are repugnant to the Rights & Privileges contained in this Charter; and that the inestimable Right of Trial by Jury shall remain confirmed, as a Part of the Law of this Colony without Repeal for ever.

23. That every Person, who shall be elected as aforesaid to be a Member of the Legislative Council or House of Assembly, shall, previous to his taking his Seat in Council or Assembly, take the following Oath or Affirmation, viz<sup>t</sup>. I. A. B. do solemnly declare, that, as a Member of the Legislative Council, (or Assembly, as <sup>the</sup> case may be)



of the Colony of New Jersey, I will not assent to any Law, Veto, or  
 Resolving, which shall appear to me injurious to the publick  
 Welfare of said Colony, nor that shall amend or repeal that Part  
 of the third Section in the Charter of this Colony, which establishes  
 that the Elections of Members of the Legislative Council & Assembly  
 shall be annual, nor that Part of the twenty second Section in  
 said Charter respecting the Trial by Jury, nor that shall amend,  
 repeal, or alter any Part or Parts of the eighteenth or nineteenth  
 Sections of the same. And any Person or Persons, who shall be  
 elected as aforesaid, is hereby empowered to administer to the  
 said Members the said Oath or Affirmation.

Provided always, and it is the true Intent & Meaning of this  
 Congress, that if a Reconciliation between Great Britain &  
 these Colonies should take Place, and the latter be again taken  
 under the Protection & Government of the Crown of Great  
 Britain, this Charter shall be null & void, otherwise to  
 remain firm and inviolable.

In Provincial Congress, New  
 Jersey, Burlington, July 2<sup>d</sup> 1776.

Subscribed for the Minutes,

Wm. A. Smith, Secy.

By Order of Congress.  
 Sam. Tucker President

Recorded in Lib. AB. of Commissioners folio 187. in the Secretary's  
 Office of the State of New Jersey at the City of Burlington  
 Robert McIlroy Secy.